

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Donald Spinner

v.

Civil No. 08-cv-67-JL

Warden, New Hampshire State Prison

O R D E R

Donald Spinner filed his petition for a writ of habeas corpus (document no. 1) on February 25, 2008. On March 24, 2008, Spinner was ordered to amend his petition to demonstrate that the five claims raised therein had been exhausted in the state courts (document no. 6). On March 31, 2008, Spinner filed a response (document no. 7) which demonstrated that four of Spinner's five claims had been exhausted. On October 23, 2008, in response to further orders of the Court, Spinner opted to forego his unexhausted claim so that his exhausted claims might proceed promptly (document no. 13). I now direct that the exhausted claims, numbered 1, 2, 3 & 5 in my March 24, 2008 Order, be served upon respondent. See Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts ("§ 2254 Rules").

The petition shall be served upon respondent, which shall file an answer or other pleading in response to the allegations made therein. See id. (requiring reviewing judge to order a response to the petition). The Clerk's office is directed to serve the New Hampshire Office of the Attorney General, as provided in the Agreement On Acceptance Of Service, copies of this Court's previous Orders in this matter (document nos. 6, 8, 11 & 13), the habeas petition and amendments thereto (document nos. 1, 7, 10, 12 & 14), and this Order.

Respondent shall answer or otherwise plead within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5 (setting forth contents of the answer).

Upon receipt of the response, the Court will determine whether a hearing is warranted. See § 2254 Rule 8 (providing circumstances under which a hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper,

after the petition, shall be served on all parties. Such service is to be made by mailing the material to the parties' attorneys.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: November 19, 2008

cc: Donald Spinner, pro se